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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,982	01/02/2004	Tom Musolf	020824-003512US	5472
20350 7590 05/28/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER HADZONOZ, BANAPSHEH				
ART UNIT		PAPER NUMBER		
3715				
MAIL DATE		DELIVERY MODE		
05/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/750,982

**Applicant(s)**

MUSOLF ET AL.

**Examiner**

Banafsheh Hadizonooz

**Art Unit**

3715

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 60 and 62-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 60, 62-66, 68, 71, 72 is/are allowed.
- 6) ☒ Claim(s) 67, 69, 70, 73, 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

In response to the correspondence filed on 01/27/2009 claims 60, 62-74 are pending.

Claims 1-59 and 61 have been cancelled. This office action is made **Non-Final**.

***Allowable Subject Matter***

Claims 60, 62-66, 68, 71, 72 are allowed. None of the prior art of record, alone or in combination, teach or suggest a dummy microphone structure that is fixedly attached to the platform and configured to space user's mouth an appropriate distance from the microphone in the platform.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 67, 69 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. (US 6,668,156) in view of Kim (US 6,246,570).**

**[Claims 67, 69]:** Regarding claim 67 Lynch discloses a platform comprising a surface and a display screen (e.g. the touch sensitive screen)(See Fig. 4); a plurality of electrical elements in the platform and under the surface (See Col.5, 29-45); a microprocessor coupled to the plurality of electrical elements and codes for

controlling the functionality of print media receiving unit (See Col.4, 57-63 and Col.6, 8-15); Lynch does not specifically disclose memory for recording the user's voice, and code for playing it back. Lynch also does not disclose record/playback options. Kim discloses a portable laptop with record/playback features wherein the user can speak through a microphone and a speaker is provided to playback the stored sounds (See Col.2, 21-45). Lynch further does not expressly disclose a microphone structure with head and neck portion that is fixedly attached to the platform. However, Kim discloses a portable computer comprising a microphone structure fixedly coupled to the housing, wherein the microphone structure comprises a head portion and a neck (See Abstract, figure.2 and Col.1, 45-64). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lynch invention to incorporate the microphone feature as disclosed by Kim in order to design a platform that enables children to play with the microphone without disconnecting or losing it.

**[Claim 73]:** With respect to claim 73, Kim further discloses a liquid crystal display.

**Claim 70 is rejected under 103 (a) as being unpatentable over Lynch et al. (US 6668156) in view of Kim (US 6,246,570) as applied to claim 67 above and further in view of Rothschild (US 5,603,652).**

**[Claim 70]:** regarding claim 70, Lynch/Kim do not expressly disclose LEDs in the microphone structure. Rothschild discloses a microphone structure with a light source on its structure for visual communication with the user (See Abstract and Col.2, 32-40).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system and method of Lynch/Kim to incorporate the LED feature of Rothschild's invention in order to design a system that is more attractive to children.

**Claim 74 is rejected under 103 (a) as being unpatentable over Lynch et al. (US 6668156) in view of Kim (US 6,246,570) as applied to claim 67 above and further in view of Glancy et al. (US 2002/0054029).**

With respect to claim 74, Lynch/Kim do not specifically disclose that the memory device comprises code for generating animation. However, Glancy discloses an Interactive display system comprising memory that generates animation (See [0035]). Therefore, it would have been obvious to one of ordinary skill in the art to modify Lynch/Kim's invention to incorporate the interactive display system of Glancy in order to design a system that is more appealing to children.

### ***Response to Arguments***

Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272- 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

/Cameron Saadat/  
Primary Examiner, Art Unit 3715